

Professional Fire Fighters of Hudson, IAFF Local 3154 v. Town of Hudson, Decision No. 2013-112 (Case No. G-0077-9).

The Union claimed that the Town violated RSA 273-A:5, I (h) and (i) when it refused to implement an arbitration decision which awarded step increases to unit employees during the current status quo period on the ground that there was a valid past practice pursuant to which the Town was required to provide step increases during the current status quo period, particularly when the Town had already provided step increases to employees during the first two years of the current status quo period. The Union asserted that the arbitrator properly concluded that there was a past practice pursuant to which status quo steps were paid, that the Town properly warned and funded the step increases, that the Town waived its discretionary power as to the payment of steps during status quo, and the Town was precluded from contesting the legality of the arbitrator's decision because it did not contest substantive arbitrability but instead authorized the arbitrator to decide the dispute and bind the parties when it participated without protest in the arbitration proceedings. The Town denied the charges and asserted that the arbitration award violated the requirements of RSA 273-A:3, II (b) and was contrary to public policy. The Town maintained that its legislative body was never adequately warned about and never approved the funding of step increases during the status quo, that the award required the Town to make an unauthorized expenditure of public funds, and that the award exceeded the Town's legal obligations under the status quo doctrine.

The PELRB found that the arbitrator's award violated a strong and dominant policy, namely the need for approval by the local legislative body of the expenditure of public monies to fund benefits like step increases for bargaining unit employees both during a contract's express term and during any interval between collective bargaining agreements. The Union's complaint was dismissed.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.